

**FILED**  
AUG 19 2008  
RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**TEH**

WAYNE GORDON AKA DWAYNE HAYES  
Plaintiff,

**CV 08**

**3964**

**PR**

vs.

GREGORY J. KHERN and D. KYES  
DR. MR. OAR and MR. VIK  
Defendant.

**PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

I, WAYNE GORDON AKA HAYES, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 I WAS 14 YEAR OLD, SUMMER JOB. 1984.  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes \_\_\_ No X  
 10 self employment

11 b. Income from stocks, bonds, Yes \_\_\_ No X  
 12 or royalties?

13 c. Rent payments? Yes \_\_\_ No X

14 d. Pensions, annuities, or Yes \_\_\_ No X  
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes \_\_\_ No X  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 N/A  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_

23 3. Are you married? Yes X No \_\_\_

24 Spouse's Full Name: YOLONDA NUNN GORDON, BEEN APART FOR 16 YEARS

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes \_\_\_ No ☒

Estimated Market Value: \$ N/A Amount of Mortgage: \$ N/A

6. Do you own an automobile? Yes \_\_\_ No ☒

Make N/A Year N/A Model N/A

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ N/A

Monthly Payment: \$ N/A

7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No ☒ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No ☒

8. What are your monthly expenses?

Rent: \$ N/A Utilities: \_\_\_\_\_

Food: \$ N/A Clothing: \_\_\_\_\_

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>N/A</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to  
2 whom they are payable. Do not include account numbers.)

3 N/A  
4

5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes \_\_\_ No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.

9 N/A  
10

11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15 Aug 11, 2008  
16  
17 DATE

18 Wayne Gail AKA Duane Gail  
19  
20 SIGNATURE OF APPLICANT  
21  
22  
23  
24  
25  
26  
27  
28

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of LIWAYNE GORDON, AKA DIAYNE HAYES for the last six months  
ALAMEDA COUNTY "SANTA RITA" JAIL [prisoner name] where (s) he is confined.  
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 267.11 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 53.42.

Dated: 8/11/2008

M. NEILL #1863

[Authorized officer of the institution]

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## INMATE ACCOUNT TRANSACTIONS

PFN/AJIS: ARE765 HFA: SRJ NAME: HAYES, DWAYNE NMN ACCT BAL: 3.81

TRANS DATE	---RECEIPT--- HFA	NUMBER	TRANSACTION CODE LITERAL	AMOUNT	RUNNING BALANCE	MSG
07/26/08	SRJ	TS-21773	CVIS CR VISI	10.00	10.00	
07/27/08	SRJ	TS-22213	CVIS CR VISI	20.00	30.00	
08/01/08	SRJ	SF-35595	DCOM DB COMM	26.19-	3.81	

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## INMATE ACCOUNT TRANSACTIONS

PFN/AJIS: ARE765 HFA: SRJ NAME: HAYES, DWAYNE NMN ACCT BAL: 3.81

TRANS DATE	---RECEIPT--- HFA	NUMBER	TRANSACTION CODE LITERAL	AMOUNT	RUNNING BALANCE	MSG
05/16/08	SRJ	SF-10658	DCOM DB COMM	16.49-	40.67	
05/23/08	SRJ	SF-13091	DCOM DB COMM	14.45-	26.22	
05/30/08	SRJ	SF-15352	DCOM DB COMM	14.78-	11.44	
06/05/08	SRJ	TS-06977	COTH CR OTHE	50.00	61.44	
06/06/08	SRJ	SF-17572	DCOM DB COMM	7.27-	54.17	
06/13/08	SRJ	SF-19840	DCOM DB COMM	16.53-	37.64	
06/20/08	SRJ	SF-22137	DCOM DB COMM	12.53-	25.11	
06/27/08	SRJ	SF-24468	DCOM DB COMM	22.45-	2.66	
07/04/08	SRJ	SF-26640	DCOM DB COMM	2.51-	.15	
07/08/08	SRJ	SF-28677	DMED	.15-	.00	

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## INMATE ACCOUNT TRANSACTIONS

PFN/AJIS: ARE765 HFA: SRJ NAME: HAYES, DWAYNE NMN ACCT BAL: 3.81

TRANS DATE	---RECEIPT--- HFA	NUMBER	TRANSACTION CODE LITERAL	AMOUNT	RUNNING BALANCE	MSG
03/07/08	SRJ	SE-86918	DCOM DB COMM	20.00-	87.11	
03/14/08	SRJ	SE-89426	DCOM DB COMM	24.68-	62.43	
03/21/08	SRJ	SE-92444	DCOM DB COMM	19.01-	43.42	
03/28/08	SRJ	SE-94254	DCOM DB COMM	13.96-	29.46	
04/04/08	SRJ	SE-96585	DCOM DB COMM	16.50-	12.96	
04/11/08	SRJ	SE-98995	DCOM DB COMM	7.22-	5.74	
04/11/08	SRJ	TR-90160	COTH CR OTHE	100.00	105.74	
04/25/08	SRJ	SF-03657	DCOM DB COMM	17.92-	87.82	
05/02/08	SRJ	SF-06025	DCOM DB COMM	14.47-	73.35	
05/09/08	SRJ	SF-08355	DCOM DB COMM	16.19-	57.16	

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